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# State & Local

**JUNE 13, 2019**

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**CURRENT AND UPCOMING**

## **USCM To Convene 87<sup>th</sup> Annual Meeting**

The US Conference of Mayors will convene June 28 -July 1 in Honolulu, HI. Mayor Stephen Benjamin, USCM President, will preside over several days of engagement among the over 200 mayors from cities with populations of 30,000 or above that comprise the membership. At the conclusion of the Meeting, Mayor Benjamin will end his term, and Mayor Bryan K. Barnett (Rochester Hills, MI) will be the incoming President for one year. During the course of the Meeting, Resolutions will be considered by the various Policy Committees.

The Mayors Water Council will convene on Friday, June 28. Mayors Jill Techel and David Berger serve as Chair and Co-chair for the Council. Also on Friday, USCM will present the Mayors Climate Protection Awards to a number of cities.

The Environment Committee, Mayor Francis X. Suarez (Miami, FL), Chair, will meet on Saturday, June 29. Mayors Barnett and Berger serve as Vice Chairs of the committee. On Saturday, USCM will also recognize efforts around the country to promote sustainable communities by presenting City Livability Awards to various cities. OIR is managing EPA's participation in the Meeting. *(Contact: M. Arnita Hannon Christmon)*

## **Intergovernmental Briefing on Wetlands Mitigation Rule**

On Thursday, June 20, 2019, EPA's Office of Wetlands, Oceans and Watersheds and OIR will co-host a briefing for the Big 10 Intergovernmental associations and state/local professional water groups to discuss the agency's forthcoming revisions to regulations governing compensatory mitigation for losses of aquatic resources, aka, the wetlands mitigation rule. Although this action does not trigger pre-proposal consultation requirements as defined by agency policy for implementing Executive Order 13132, Federalism, EPA is nevertheless seeking substantive pre-proposal input from its intergovernmental partners during the development of this rule, the goal of which is to improve the efficiency of the process by which federal, state and local agencies as well as tribal nations review proposed mitigation banks or in-lieu fee programs and provide comments to the U.S. Army Corps of Engineers. Among other revisions, the agencies are considering removing the Interagency Review Team (IRT) process and are seeking suggestions for rule changes that would continue to provide opportunities for intergovernmental input while making the process more

efficient. Suggestions for retaining the IRT while identifying inefficiencies in the instrument review process will also be considered, as will ideas for modifying rule text to ensure better compliance with the Miscellaneous Receipts Act, improved in-lieu fee program processes, credit accounting for multi-purpose mitigation banks, and facilitation of state assumption of the Clean Water Act's Section 404 program. Further, the agencies will seek input on approaches to quantify stream mitigation credits that better reflect the total amount of stream ecosystem restored, enhanced or preserved while maximizing available credits and opportunities for larger compensatory mitigation projects within a given watershed. *(Contact: Andrew Hanson)*

### **Meeting with San Diego County Public Works Officials**

On Wednesday, June 19, 2019, several public works officials representing San Diego County, CA, and one each from Orange and Riverside Counties, respectively, will meet with Office of Water and OIR staff to discuss storm water, Total Maximum Daily Load (TMDL) issues, and integrated planning. Though the initial meeting request offered little information about specific discussion topics in these broad subject areas, EPA Region 9 program management has since advised that several parties in the San Diego area, including both the City and County, have been working on strategies to address a very stringent set of bacteria TMDLs that focus on municipal storm water issues. Specifically, the City and County have co-sponsored epidemiological and cost-benefit studies designed to support development of alternative water quality standards for bacterial indicators that, they believe, would support alternative TMDL development and – thereby – enable relaxation of very stringent limitations in the San Diego Region MS4 permit. Further, the City and County also are concerned about soon-to-be-developed biological standards/indicators, and also are looking at alternative compliance mechanisms to implement the MS4 permit that would require additional time for implementation and compliance. Though the State of California has been cautiously cooperative with the effort to pursue these actions, it remains somewhat resistant to revising the TMDLs. *(Contact: Andrew Hanson)*

### **Meeting with Orange County Sanitation District Officials**

On Wednesday, June 19, 2019, officials representing the Orange County, CA, Sanitation District will meet at EPA Headquarters with Office of Water, Office of Land and Emergency Management and OIR staff to discuss the Water Reuse Action Plan as well as Biosolids and Food Waste. *Contact: Andrew Hanson)*

## **LOCAL GOVERNMENT ADVISORY COMMITTEE**

**LGAC 2019 Membership** process continues. OCIR has concluded scoring of the 58 nominees of elected and appointed officials of state, tribal and local government from across all EPA Regions. Nominees will be ranked and the top tier of nominees and alternates will be vetted. R3 and R7 assisted OCIR with the scoring of LGAC nominees which helped to provide a Regional perspective. The next step will begin the balance review with a review by Office of General Counsel and the Federal Advisory Committee Management Division (FACMD). We anticipate filling 8-10 new appointments with 4-6 reappointments anticipated. *(Contact: Fran Eargle)*

## **RECAP**

### **NARC Convenes 53<sup>rd</sup> Annual Conference and Exhibition**

The National Association of Regional Councils convened in Omaha, NE June 9 – 12. Per an invitation from the Association, WIFIA Program Portfolio Management Team members Alejandro Escobar, and Aaron Heintz addressed the June 11 *Workshop on Funding Regional Initiatives*. They brought remarks on “WIFIA and Other Funding Resources to Support Communities’ Water Infrastructure Projects,” and engaged in dialogue with the NARC members. Some 200 – 250 delegates attended the conference and the Workshop was open to all attendees. NARC Executive Director Leslie Wollack expressed deep appreciation for the meaningful engagement the EPA presenters brought to the workshop.

NARC serves as the national voice for regions by advocating for regional cooperation as the most effective way to address a variety of community planning and development opportunities and issues. NARC’s member organizations include regional councils, councils of government, regional planning and development agencies, Metropolitan Planning Organizations, and other regional organizations. *(Contact: M. Arnita Hannon Christmon)*

### **EPA Meeting with San Mateo, CA Local Officials**

On Tuesday, June 11, WIFIA and Region IX staff joined OIR in a meeting with Mayor Diane Papan, Councilmember Rick Bonilla (Immediate Past Mayor), Public Works Director Brad Underwood, and Azalea Mitch, Deputy Public Works Director, to discuss the city’s plans to submit a WIFIA Letter of Interest for \$79 million to support continuing water infrastructure improvement efforts. EPA has indicated that one of its priorities for the 2019 Notice of Funding Availability is to repair, rehabilitate, and replace aging infrastructure and wastewater conveyance systems. The City believes that its Letter of Interest for \$79 million in WIFIA funds accomplishes these goals through San Mateo’s Clean Water Program Basins 2 and 3 Collection System Improvements project. The \$158 million project involves the replacement of sewers, construction of a 5.3-million-gallon equalization system and upgrade of the largest wastewater pump station in the sewer collection system. The improvements will allow for the storage of wet weather flows. Within the current sewer collection system, sanitary sewer overflows occur each year. According to the City, when completed, this project will prevent hundreds of thousands of gallons of raw sewage from spilling onto city streets, into creeks & lagoons and eventually the San Francisco Bay. The improvements will provide significant public health benefits for the more than 170,000 residents served within the communities of San Mateo City, Foster City, Town of Hillsborough, City of Belmont, Crystal Springs, and unincorporated areas of San Mateo County. Mayor Papan and her team appreciated the extensive dialogue with EPA staff, and the guidance shared. WIFIA staff noted how the Agency welcomes communities that have been successful in securing WIFIA funds in the past since often this allows the opportunity to build on existing work, and can facilitate a more efficient review of the new Letter of Interest for next round funds.

The city was successful in its previous efforts to secure WIFIA funding for a \$277 million loan to support its new Wastewater Treatment facility. The groundbreaking for that facility is scheduled for September of this year. *(Contact: M. Arnita Hannon Christmon)*

### **EPA Meeting with Mayor Ward (Fairbanks North Star Borough, AK)**

The Office of Air and Radiation, Office of Water, and Office of Land and Emergency Management joined OIR and Region X in a meeting on Wednesday, June 12 with Mayor Bryce J. Ward and Special Assistant Brittany Smart to discuss the city’s PM2.5 Nonattainment issues, and the related draft Serious SIP that was recently released. The other portion of the meeting focused on PFAS/PFOA contamination issues in the community. OIR’s Director of Intergovernmental Relations, Britt S. Carter, chaired the meeting. Mayor Ward praised the continued partnerships between the Borough and Region X and he and his Special Assistant described the very productive working relationship as phenomenal. Mayor Ward pointed out that

the involvement of Region X has been key in bringing the community along as local leadership continues its commitment to reach Attainment, and also maintain clean and healthy drinking water for the residents. Clint Woods, OAR Deputy Assistant Administrator, led the dialogue on PM 2.5 and noted, along with the Region, that the Borough must be commended for its commitment to reaching Attainment, and for the innovative and consistent approaches being promoted and implemented. While Mayor Ward noted that some legal requirements pose great difficulties for his and other communities to meet some of the Clean Air Act obligations, he remains committed to reach the goals. Region X Acting Director, Air & Radiation Division Krishna Viswanathan, also participated in the meeting, and will continue to be available to the community. Eric Burneson, Director, Standards & Risk Management Division, Office of Groundwater and Drinking Water (OW), led the discussion on PFAS/PFOA, responded to the concerns, and updated on EPA's work around the PFAS Action Plan, including the status of proposed rulemaking. Mayor Ward reviewed the community's PFAS challenges around the Air Force Base, International Airport, and the major refinery. The mayor and borough leaders are most concerned about groundwater contamination and mentioned 4 documented contaminated areas with 30 miles between plumes. Mayor Ward noted that the existing EPA PFAS/PFOA Health Advisory (issued in 2016), and other EPA Health Advisories, are a big help to the community. He welcomed the overview of PFAS Action Plan- related work. Elizabeth Resek, Biosolids Lead in OGWDW, responded to concerns in her area as part of the larger dialogue around PFAS/PFOA and Biosolids. Norm Birchfield, Office of Resource Conservation & Recovery (OLEM) rounded out the headquarters panel, and engaged in dialogue about approaches to handling hazardous materials landfills, and other alternatives to addressing hazardous waste. Mayor Ward appreciated the discussion in response to his query concerning what exactly is involved in creating a Hazardous Waste Landfill. Sue Detwiler, Director, Alaska Operations Office, and Linda Anderson-Carnahan, Associate Director, Laboratory Services and Applied Science Division, joined in the discussion and provided guidance as well.

Mayor Ward looks forward to continuing to work closely with Region X and, closing out the call, Marianne Holsman, Acting Unit Manager, Public Affairs Office, reiterated the Region's continuing deep engagement with the Fairbanks North Star Borough and how the Region will be standing by for any needed convening opportunities that may involve other "Federal Family" Agencies to explore resources to support the Borough's continuing efforts to ensure a clean and healthy environment for its citizens. *(Contacts: Britt S. Carter & M. Arnita Hannon Christmon)*